

## EXTRADITION

*Convention signed at London September 12, 1853*

*Senate advice and consent to ratification, with an amendment, July 12, 1854*<sup>1</sup>

*Ratified by the President of the United States, with an amendment, July 24, 1854*<sup>1</sup>

*Ratified by Bavaria September 20, 1854*

*Ratifications exchanged at London November 1, 1854*

*Entered into force November 1, 1854*

*Proclaimed by the President of the United States November 18, 1854*

*Obsolete*

10 Stat. 1022; Treaty Series 17<sup>2</sup>

### CONVENTION FOR THE MUTUAL EXTRADITION OF FUGITIVES FROM JUSTICE, IN CERTAIN CASES, CONCLUDED BETWEEN THE GOVERNMENT OF THE UNITED STATES, ON THE ONE PART, AND THE KINGDOM OF BAVARIA ON THE OTHER PART

The United States of America and His Majesty, the King of Bavaria, actuated by an equal desire, to further the administration of justice and to prevent the commission of crimes in their respective countries, taking into consideration, that the increased means of communication between Europe and America facilitate the escape of offenders, and that, consequently provision ought to be made, in order that the ends of justice shall not be defeated, have determined to conclude an arrangement destined to regulate the course to be observed in all cases with reference to the extradition of such individuals, as having committed any of the offences, hereafter enumerated, in one Country, shall have taken refuge within the territories of the other. The constitution and laws of Bavaria, however, not allowing the Bavarian Government to surrender their own subjects for trial before a Foreign Court of Justice, a strict reciprocity requires, that the Government of the United States shall be held equally free from any obligation to surrender Citizens of the United States.

---

<sup>1</sup> The U.S. amendment called for extending the period for exchange of ratifications specified in art. VI from 9 to 15 months.

The text printed here is the amended text as proclaimed by the President.

<sup>2</sup> For a detailed study of this convention, see 6 Miller 281.

For which purposes the high contracting Powers have appointed as their Plenipotentiaries:

The President of the United States, James Buchanan, Envoy extraordinary and Minister plenipotentiary of the United States at the Court of the United Kingdom of Great Britain and Ireland.

His Majesty the King of Bavaria, Augustus Baron de Cetto, His said Majesty's Chamberlain, Envoy extraordinary, and Minister plenipotentiary at the Court of Her Majesty, the Queen of the United Kingdom of Great Britain and Ireland, Knight Commander of the Order for merit of the Bavarian Crown and of the order for Merit of St. Michael, Knight Grand Cross of the royal Grecian Order of our Saviour.

who after reciprocal communication of their respective full powers, found in good and due form, have agreed to the following Articles.

#### ARTICLE I

The Government of the United States, and the Bavarian Government promised and engage, upon mutual requisitions by them or their Ministers, officers or authorities respectively made, to deliver up to justice all persons, who being charged with the crime of murder, or assault with intent to commit murder, or piracy, or arson, or robbery, or forgery, or the utterance of forged papers, or the fabrication, or circulation of counterfeit money, whether coin or paper money, or the embezzlement of public moneys, committed within the jurisdiction of either party shall seek an asylum, or shall be found within the territories of the other: provided, that this shall only be done upon such evidence of criminality, as according to the laws of the place, where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the crime or offence had there been committed; and the respective judges, and other magistrates of the two Governments shall have power, jurisdiction and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, that he may be brought before such judges or other magistrates respectively, to the end, that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining judge or magistrate to certify the same to the proper executive authority, that a warrant may issue for the surrender of such fugitive.

The expense of such apprehension and delivery shall be borne and defrayed by the party, who makes the requisition and receives the fugitive.

#### ARTICLE II

The Stipulations of this Convention shall be applied to any other State of the German Confederation, which may hereafter declare its accession thereto.

## ARTICLE III

None of the contracting parties shall be bound, to deliver up its own citizens or subjects under the Stipulations of this Convention.

## ARTICLE IV

Whenever any person, accused of any of the crimes, enumerated in this Convention, shall have committed a new crime in the territories of the State, where he has sought an asylum, or shall be found, such person shall not be delivered up under the Stipulations of this Convention, until he shall have been tried and shall have received the punishment, due to such new crime, or shall have been acquitted thereof.

## ARTICLE V

The present Convention shall continue in force until the First of January One thousand eight hundred and fifty eight, and if neither party shall have given to the other six months previous notice of its intention then to terminate the same, it shall further remain in force until the end of twelve months, after either of the high contracting parties shall have given notice to the other of such intention; each of the high contracting parties reserving to itself the right of giving such notice to the other at any time after the expiration of the said First day of January One thousand, eight hundred and fifty eight.

## ARTICLE VI

The present Convention shall be ratified by the President by and with the advice and consent of the Senate of the United States and by the Government of Bavaria and the ratifications shall be exchanged in London within fifteen <sup>3</sup> months from the date hereof, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed this Convention and have hereunto affixed their Seals.

Done in duplicate in London the twelfth day of September One thousand, eight hundred and fifty three and the seventy eighth year of the Independence of the United States.

JAMES BUCHANAN      [SEAL]

A. DE CETTO      [SEAL]

---

<sup>3</sup> See footnote 1, p. 10.